

WINSTON & STRAWN LLP
The Legal Center
One Riverfront Plaza, Suite 730
Newark, New Jersey 07102
(973) 848-7676
James S. Richter
Melissa Steedle Bogad

Attorneys for Defendant
Sun Pharmaceutical Industries, Ltd.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

_____	x
ELI LILLY AND COMPANY,	:
	: Honorable Dennis M. Cavanaugh, U.S.D.J.
	:
Plaintiff,	: Civil Action No. 07 CV 3770 (DMC) (MF)
	:
v.	:
	:
ACTAVIS ELIZABETH LLC, GLENMARK	: DECLARATION OF JAMES S.
PHARMACEUTICALS INC., USA, SUN	: RICHTER IN SUPPORT OF
PHARMACEUTICAL INDUSTRIES LTD.,	: DEFENDANTS' MOTION TO STRIKE
SANDOZ INC., MYLAN	: EVIDENCE AND ARGUMENT
PHARMACEUTICALS INC., APOTEX INC.,	: RELATED TO FDA AUTHORIZATION
AUROBINDO PHARMA LTD., TEVA	: OR REVIEW BOARD APPROVAL OF
PHARMACEUTICALS USA, INC.,	: THE MGH PILOT STUDY OFFERED TO
SYNTHON LABORATORIES, INC., ZYDUS	: SUPPORT UTILITY
PHARMACEUTICALS, USA, INC.,	:
	:
Defendants.	:
_____	x

JAMES S. RICHTER, of full age, hereby declares as follows:

1. I am an attorney at law of the State of New Jersey and a member of Winston & Strawn LLP, attorneys for Defendant Sun Pharmaceutical Industries, Ltd.
2. This Declaration is submitted in support of Defendants Sun Pharmaceutical Industries, Ltd., Sandoz Inc., Mylan Pharmaceuticals Inc., Apotex Inc., and Aurobindo Pharma

Ltd.'s (collectively, "Defendants") Motion to Strike Evidence Related to FDA Authorization or Review Board Approval of the MGH Pilot Study Offered to Support Utility.

3. Attached hereto as Exhibit A is a true and correct copy of the specific evidence Defendants respectfully request that the Court strike, by page and line number of the Trial Transcript, trial exhibit number, and page and line number of the designated deposition testimony.

4. In the event that the Court declines to grant Defendants' Motion to Strike, however, Defendants respectfully request that the Court consider all evidence listed in Exhibit A attached hereto. In other words, Defendants respectfully request that if the Court grants this motion, then all evidence should be stricken. If the Court does not grant this motion, then all of the evidence should be considered by the Court.

I hereby declare under the penalty of perjury that the foregoing statements made by me are true and correct.

s/ James S. Richter

James S. Richter

Dated: June 21, 2010

EXHIBIT A

Defendants respectfully request that the Court strike the following evidence and argument from the trial record. In the event that the Court declines to grant Defendants' Motion to Strike, however, Defendants respectfully request that the Court consider all evidence listed below.

A. TRIAL TESTIMONY

1. Transcript of Trial Proceedings – Volume 1 (May 18, 2010)

- 60:15-63:19
- 194:25-196:13
- 196:22-202:13
- 207:2-21

2. Transcript of Trial Proceedings – Volume 4 (May 25, 2010)

- 889:9-912:6

3. Transcript of Trial Proceedings – Volume 5 (May 26, 2010)

- 1108:14-1125:25
- 1168:21-1174:1

B. TRIAL EXHIBITS

PTX 240	PTX 1140
PTX 241	PTX 1406
PTX 271	PTX 1407
PTX 276	PTX 1408
PTX 277	DTX 219
PTX 280	DTX 250
PTX 319	DTX 252
PTX 353	DTX 254
PTX 354	DTX 255
PTX 355	DTX 554
PTX 754	

C. DESIGNATED DEPOSITION TESTIMONY

1. Deposition of Thomas J. Spencer, M.D. (August 21, 2008)

(Spencer Dep. Tr. at 50:2-5, 8-19; 51:4-9; 83:8-22; 85:17-22; 90:6-17; 104:13-17; 145:19-21; 149:8-13.)

2. Deposition of Joseph Biederman, M.D. (October 6, 2008)

(Biederman Dep. Tr. at 105:4-10, 16-19; 110:6-8, 12-14, 16, 19-21; 110:23-111:14.)